

RECORDED - CLERK
U.S. DISTRICT COURT

SEP 13 2004

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Source Search Technologies, LLC,

Plaintiff,

Civil Action No.

04-4420
(DRD)

v.

Lendingtree, Inc. and IAC InterActiveCorp,

Defendants.

**COMPLAINT FOR PATENT
INFRINGEMENT AND
JURY DEMAND**

X

COMPLAINT

Plaintiff, by its undersigned attorneys, for its Complaint against Defendants, alleges as follows:

JURISDICTION AND VENUE

1. This cause of action arises under the Patent Laws of the United States, 35 U.S.C. § 101 et. seq.
2. Jurisdiction of the subject matter of this action is conferred on this Court by 28 U.S.C. § 1338(a).
3. Upon information and belief, Defendants transact business within this district, advertise and sell products and services within this district, derive substantial revenues from intra-state and inter-state commerce and have committed acts of patent infringement within this district and also without this district having injurious consequences within this district, and Defendants are otherwise within the jurisdiction of this court. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400.

THE PARTIES

4. Plaintiff Source Search Technologies, LLC ("SST") is a New Jersey Limited Liability Corporation having a principle place of business at 16 Winding Way, Upper Saddle River, New Jersey 07458.

5. Upon information and belief, Defendant LendingTree, Inc. is a North Carolina Corporation having a principle, regular and established place of business at PMB 008, 15105-D John J. Delaney Drive, Charlotte, North Carolina 28277.

6. Upon information and belief, Defendant IAC InterActiveCorp is a New York Corporation having a principle, regular, and established place of business at 152 West 57th Street, 42nd Floor, New York, New York 10019.

7. Both Defendant entities are collectively referred to herein as Defendants, except where specifically noted.

ALLEGATIONS

8. SST is the owner by assignment of all right, title and interest, of United States Patent No. 5,758,328, directed generally to a centralized computer that matches buyers and sellers of products and services via, for example, the Internet ("the '328 patent" or "the patent in suit").

9. Long after SST's predecessor invented and applied for patent protection directed to the technology in issue, Defendants began making, using, selling and/or offering for sale products and methods that infringe upon the '328 patent under one or more sections of 35 U.S.C. §271 as direct, contributory, and/or inducers of the infringement. Upon information and belief, Defendant IAC InterActiveCorp aids and abets the infringement of defendant Lendingtree, with the specific intent to

cause such infringement.

10. In particular, and upon information and belief, Defendant Lendingtree is the owner of a website at www.lendingtree.com ("the Lendingtree website"), which operates in direct accord with the language of the claims of the '328 patent. The Lendingtree website generates over a hundred million dollars in revenue per year for at least Defendant Lendingtree by operation of the exact method plaintiff previously patented. Upon information and belief, Defendant IAC InterActiveCorp runs and controls the daily operation of the Lendingtree website.

11. Defendants continue to make, use, sell and/or offer for sale products and/or methods that infringe upon SST's patent rights, and are believed to have full knowledge of such rights, and the intent to continue infringing such rights. Defendants infringement is willful.

COUNT I - PATENT INFRINGEMENT OF U.S. PATENT NO. 5,758,328

12. Plaintiff re-alleges all of the foregoing paragraphs as if fully set forth herein.

13. Defendants are liable to plaintiff for damages for patent infringement.

14. All of the acts of the Defendants are without the permission, license or consent of SST and, if allowed to continue, will cause irreparable injury to SST, unless enjoined by the Court.

15. Defendants have been unjustly enriched and SST is entitled to an accounting and award of damages, interest, attorneys' fees and costs.

16. Defendants' foregoing activities have damaged SST in an amount as yet unknown, but if Defendants' foregoing activities continue, SST believes damages will easily exceed the sum of \$100,000,000.

JURY DEMAND

17. Plaintiff hereby demands trial by jury.

PRAYER

WHEREFORE, Plaintiff demands judgment, including:

- A. A declaration that Defendants products and services infringe SST's United States Patent No. 5,758,328, and that such infringement is, was and will continues to be willful;
- B. An accounting and award for damages, interest, attorneys' fees and costs of this action;
- C. An award of treble damages for Defendants' willful infringement of the '328 patent;
- D. A permanent injunction against Defendants, prohibiting the continuance of their infringing activities; and
- E. Such other and further relief as the Court deems just and proper.

Respectfully submitted,



KAPLAN & GILEMAN, L.L.P.
Jeffrey L. Kaplan (JK 4706)
Attorneys for Plaintiff
900 Route 9 North, Suite 104
Woodbridge, NJ 07095
Telephone (732) 634-7634
Facsimile (732) 634-6887
E-Mail: jkaplan@kaplangilman.com

Dated: September 10, 2004

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

RECEIVED - CLERK
U.S. DISTRICT COURT

2004 SEP 13 PM 12:37

-----X
Source Search Technologies, LLC, :
Plaintiff, : Civil Action No. 04-4420
v. : (DRD)
Lendingtree, Inc. and IAC InterActiveCorp, :
Defendants. :
-----X

STATEMENT PURSUANT TO FED. R. CIV. P. 7.1

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, and to enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiff Source Search Technologies, LLC certifies that the following are corporate parents, affiliates and/or subsidiaries of said party which are publicly held:

NONE

KAPLAN & GILMAN, L.L.P.
Attorneys for Plaintiff
900 Route 9 North, Suite 104
Woodbridge, NJ 07095
Telephone (732) 634-7634

DATED: September 10, 2004

By: _____

Jeffrey I. Kaplan (JK 4706)